

### **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present invention. Claims 2-21 are pending in the present application. Claims 2, 5, 20, and 21 are independent claims. By this response, claim 1 is cancelled, and claims 2-5, 8, 10, 11, 16, and 19-21 are amended.

#### **Scope of Amendments**

Independent claims 2 and 5 are only amended to include the content of cancelled claim 1. No other changes are made to these claims.

#### **Claim Objections**

The Office Action states that claims 17 and 18 are objected to, but makes no specific grounds of objection. Applicants therefore assume that the Examiner made this objection in error and that there is no specific objection to these claims. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

#### **35 U.S.C. §112 Rejection**

Claim 1 stands rejected under 35 U.S.C. §112 as lacking antecedent basis for a claim term. Claim 1 is cancelled, rendering this rejection moot. Applicants nonetheless respectfully traverse this rejection with respect to claims 2 and 5, which now recite the limitations of cancelled claim 1.

The Office Action states that claim 1 recited the limitation “the list of the plurality of scripts” without sufficient antecedent basis in the claim. Applicants respectfully note that in the unaltered language of independent claim 1, now fully incorporated into dependent claims 2 and 5, line 4 of the claim language recites the limitation “a list of the plurality of scripts.”

Applicants therefore respectfully submit that the later-used term “the list of the plurality of scripts” has a sufficient antecedent basis in the claim language. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

35 U.S.C. § 103 Rejection – Yunsk and Venner

Claims 1, 3, 4, 8, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yunsk “Nessus Analysis Report”, July 2001 (hereafter “Yunsk”) in view of *In re Venner*, 262 F.2d 91, 95 (CCPA 1958) (hereafter “*Venner*”).

Applicants respectfully note that *Venner* is case law and therefore may not be relied upon for any teachings of prior art. Specifically, Applicants note that in order for the holding of *Venner* to be applicable, all the limitations in the claims, including the automatic means, must be disclosed in the applied references. *Venner*, 262 F.2d at 96.

Applicants have cancelled independent claim 1 and added limitations similar to those of claim 5 into independent claims 20 and 21. The Office Action admits that Yunsk does not teach the limitations of claim 5 and instead relies on a secondary reference for these teachings. Applicants therefore respectfully submit that this rejection is moot with respect to claims 1, 20, and 21 because all the claim limitations are not taught by the applied references.

With respect to claims 3, 4, and 8, Applicants submit that these claims should be allowable at least by virtue of their dependency on independent claim 2. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

35 U.S.C. § 103 Rejection – Yunsk and Kim

Claims 2, 5-7, 10-15, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yunsk in view *Venner*, in further view of Kim “About Firewall & Network Security Chap 10” (hereafter “Kim”). Insofar as it pertains to the presently pending claims,

Applicants respectfully traverse this rejection. Applicants also wish to traverse this rejection with respect to independent claims 20 and 21.

### References

Yunsk teaches the installation and some basic operational features of the Nessus computer security testing system. Yunsk discloses that Nessus is a client-server system that uses plugins to test for security holes and that the plugins are selected and executed through the Nessus client graphical user interface (GUI).

In Nessus Structure, Kim discusses the basic structure and customizability of the Nessus system, describing the ability of Nessus to handle plugins written in either C, NASL (a Nessus-native script language) or some other future-supported programming language. Kim further discusses the possibility of a development database where users may exchange plugins with each-other.

In Customization, Kim discusses the fact that Nessus is a customizable system to which underlying functions can be added in the form of scripts. These underlying functions are disclosed as being related to program performance capabilities and GUI options.

*Venner* is relied upon in the Office Action for the principle that “it is not invention to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result.” *Venner*, 262 F.2d at 95. Applicants note that *Venner* is case law and is not itself a substantive reference. Case law cannot be used to “fill in” claim elements otherwise missing from an applied reference.

### Claim 2

Independent claim 2 pertains, in part, to a script control unit that retrieves scripts from a script accumulation unit, creates a list of input / output parameters and a test procedure, presents a list of scripts to a user, and executes a script that is selected by the user; and to a plugin control

unit that is called during script execution to execute a plugin on a test target computer. Independent claim 2 further pertains to “a springboard simulation program including a communications relay function, a packet transmission/reception function, a process start/end function, a function to input/output data to/from a process, and a file transfer function; and a springboard simulation program control unit executing the plugin on the test target computer via the springboard simulation program upon instruction from the plugin.”

#### Substantive Art

The Office Action admits that Yunsk does not teach the springboard simulation program and program control unit aspects of claim 2, and instead relies on Kim for this teaching. (Page 5 of Office Action).

Applicants respectfully submit that while Kim suggests performance and GUI related customization scripts may be added to the Nessus system, Kim does not actually teach or suggest any specific modifications or customization scripts for Nessus. Kim makes no mention of “a springboard simulation program” or the explicit addition thereof to the Nessus system. Further, Applicants respectfully submit that Kim does not teach or suggest “a function to input/output data to/from a process” or “a springboard simulation program control unit” that is operable from within a plugin to execute that plugin on a remote computer.

#### Case Law

Applicants further submit that in order for the holding of *Venner* to be applicable, all the limitations in the claims, including the automatic means, must be disclosed in the applied references. *Venner*, 262 F.2d at 96. Applicants respectfully submit that neither Yunsk nor Kim teach all the limitations in the claims. Specifically, neither Yunsk nor Kim teach or suggest a “springboard simulation program” with “a function to input/output data to/from a process,” nor do they teach or suggest “a springboard simulation program control unit executing the plugin on

the test target computer via the springboard simulation program upon instruction from the plugin” as required by independent claim 2.

#### Summary

Applicants therefore respectfully submit that neither Yunsk nor Kim, taken alone or in combination (assuming the references may be combined, which Applicants do not admit) teach or suggest “a springboard simulation program including a communications relay function, a packet transmission/reception function, a process start/end function, a function to input/output data to/from a process, and a file transfer function; and a springboard simulation program control unit executing the plugin on the test target computer via the springboard simulation program upon instruction from the plugin” as required by independent claim 2.

#### Claim 5

Independent claim 5 pertains, in part, to a script control unit that retrieves scripts from a script accumulation unit, creates a list of input / output parameters and a test procedure, presents a list of scripts to a user, and executes a script that is selected by the user; and to a plugin control unit that is called during script execution to execute a plugin on a test target computer. Independent claim 5 further pertains to “a knowledge sharing unit verifying whether the script execution condition is met, wherein the knowledge sharing unit includes, a deduction unit deriving new knowledge from information collected in an execution process of the script based on a deduction rule.”

#### Substantive Art

The Office Action admits that Yunsk does not teach the knowledge sharing unit and deduction rule aspects of independent claim 5, and instead relies on Kim for this teaching (Page 7 of Office Action).

Applicants respectfully submit that while Kim suggests the possibility of a shared development database for plugins, Kim makes no teaching or suggestion of a “knowledge sharing unit” added to the Nessus system for “verifying whether the script execution condition is met” by employing a deduction rule on “information collected in an execution process of the script.” Specifically, Applicants respectfully submit that there is no teaching or suggestion of a “a deduction unit deriving new knowledge from information collected in an execution process of the script based on a deduction rule” in either Kim or Yunsk.

#### Case Law

As noted above, in order for the holding of *Venner* to be applicable, all the limitations in the claims, including the automatic means, must be disclosed in the applied references. *Venner*, 262 F.2d at 96. Applicants respectfully submit that neither Yunsk nor Kim teach all the limitations in the claims. Specifically, neither Yunsk nor Kim teach or suggest a “a knowledge sharing unit verifying whether the script execution condition is met, wherein the knowledge sharing unit includes, a deduction unit deriving new knowledge from information collected in an execution process of the script based on a deduction rule” as required by independent claim 5.

#### Summary

Applicants therefore respectfully submit that neither Yunsk nor Kim, taken alone or in combination (assuming the references may be combined, which Applicants do not admit) teach or suggest “a knowledge sharing unit verifying whether the script execution condition is met, wherein the knowledge sharing unit includes, a deduction unit deriving new knowledge from information collected in an execution process of the script based on a deduction rule” as required by independent claim 5.

### Claim 20

Independent claim 20 pertains, in part, to a method for detecting security holes in a computer system. The method starts with the accumulation of scripts that describe procedures used by attackers for illegal access. After retrieving one or more of these scripts from a script accumulation unit upon a user-initiated request from an operation unit, a list of input/output parameters, a script execution condition and a test procedure described thereby are created. The retrieved scripts are then presented to a user for selection and execution, the script execution further entailing the automated retrieval of at least one script-specified plugin for execution on a target test computer. The method concludes by “verifying whether the script execution condition is met by deriving new knowledge from information collected in an execution process of the script based on a deduction rule.”

### Substantive Art

Applicants respectfully submit that neither Yunsk nor Kim teach or suggest “verifying whether the script execution condition is met by deriving new knowledge from information collected in an execution process of the script based on a deduction rule” as required by independent claim 20 for the same reasons as set forth with respect to independent claim 5.

### Case Law

Applicants further submit that the holding of *Venner* is not applicable to independent claim 20 for the same reasons as set forth above with respect to independent claims 2 and 5.

### Summary

Applicants therefore respectfully submit that neither Yunsk nor Kim, taken alone or in combination (assuming the references may be combined, which Applicants do not admit) teach or suggest “verifying whether the script execution condition is met by deriving new knowledge

from information collected in an execution process of the script based on a deduction rule” as required by independent claim 20.

#### Claim 21

Independent claim 21 pertains to a computer readable medium having embodied thereon a computer program for carrying out the steps of claim 20. Applicants therefore respectfully submit that independent claim 21 is patentable over Yunsk and Kim in view of *Venner* for the same reasons as set forth above with respect to independent claim 20.

#### Claims 6, 7, 10-15, 18, and 19

Applicants respectfully submit that the deficiencies in the teaching of Yunsk and Kim with respect to independent claims 2 and 5 are incorporated by reference into all claims depending therefrom. Applicants therefore submit that claims 6, 7, 10-15, 18, and 19 are allowable at least by virtue of their dependency from independent claim 1.

#### Summary

Applicants respectfully submit that neither Yunsk nor Kim, taken alone or in combination (assuming the references may be combined, which Applicants do not admit) teach or suggest all the limitations of independent claims 2, 5, 20, and 21. Applicants further submit that because all of the claim limitations are not present in the references, the rule of *Venner* does not apply. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### 35 U.S.C. § 103 Rejection – Yunsk, Kim and Uchiyama

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yunsk in view of Kim in further view of U.S. Patent Publication 2002/0024686 by Uchiyama (hereafter “Uchiyama”). Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.



Applicants respectfully submit that Uchiyama is not relied upon, nor can it properly be relied upon, to remedy the deficiencies of Kim and Yunsk with respect to independent claim 2. Applicants therefore submit that claim 9 is allowable at least by virtue of its dependency from independent claim 2. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

35 U.S.C. §103 Rejection – Yunsk, Kim, and Curtis

Claims 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yunsk in view of Kim, in view of *Venner*, in further view of U.S. Patent 6,507,948 by Curtis (hereafter “Curtis”). Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Applicants respectfully submit that Curtis is not relied upon, nor can it properly be relied upon, to remedy the deficiencies of Kim and Yunsk with respect to independent claims 2 and 5. Applicants therefore submit that claims 16 and 17 are allowable at least by virtue of their dependency from independent claims 2 and 5. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested..

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael K. Mutter, Reg. No. 29,680 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

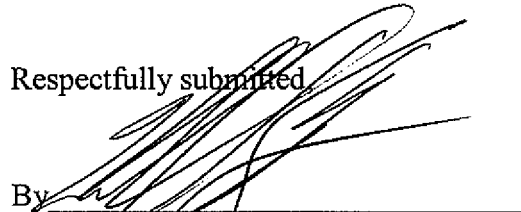
Application No. 10/501,239  
Amendment dated May 30, 2008  
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted



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